

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Thomas C. Holman  
Bankruptcy Judge  
Sacramento, California

December 17, 2013 at 9:31 a.m.

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1. [13-29374](#)-B-11 SUSAN GLINES-THOMPSON MOTION FOR RELIEF FROM  
DWE-1 AUTOMATIC STAY  
11-19-13 [[40](#)]  
  
GREEN TREE SERVICING, LLC  
VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362(d)(2) in order to permit the movant to foreclose on the real property located at 9932 Rio Cosumnes Circle, Elk Grove, California (APN 134-0490-021) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 10-day period specified in Fed.R.Bankr.P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the Property has a value of \$227,000.00 and that the property is encumbered by a first deed of trust or mortgage in favor of movant which secures a claim of \$254,598.27, and a second deed of trust which secures a claim of \$125,587.91. Considering these figures, debtor does not have equity in the property. See Stewart v. Gurley, 745 F.2d 1194, 1195 (9<sup>th</sup> Cir. 1984) ("equity" refers to the difference between the value of the property and all encumbrances upon it"). The court finds that movant has satisfied its burden under 11 U.S.C. § 362(g) to show absence of equity.

Once lack of equity is established, the burden is on the debtor to show that the property in question is necessary to an effective reorganization. 11 U.S.C. § 362(g). "What this requires is not merely a showing that if there is conceivably to be an effective reorganization, this property will be needed for it; but that the property is essential for an effective reorganization that is in prospect. This means...that there must be 'a reasonable possibility of a successful reorganization within a reasonable time.'" United Savings Association of Texas v. Timbers of Inwood Forest Associates, Ltd., 484 U.S. 365, 375-376, 98 L.Ed.2d 740, 108 S.Ct. 626 (1988).

Debtor has not satisfied the foregoing standard. Debtor has not opposed this motion, nor has debtor filed a disclosure statement and chapter 11 plan. Therefore, for purposes of this motion, the court finds that

debtor has not carried her burden of showing that there is a reasonable possibility of a successful reorganization within a reasonable time.

The court does not find that relief under 11 U.S.C. § 362(d)(1) is appropriate. The fact that the debtor does not have an equity in the property, i.e. the lack of an "equity cushion" in the movant's parlance, does not entitle the movant to relief from stay for cause. The movant does have a right to protection from depreciation in the value of its collateral that would impair its secured claim. In re Mellor, 734 F.2d 1396, 1400 n.2 (9<sup>th</sup> Cir. 1984) ("Equity cushion" has been defined as the value in the property, above the amount owed to the creditor with a secured claim, that will shield that interest from loss due to any decrease in the value of the property during the time the automatic stay remains in effect." [emphasis added]). See, also, United Savings Association of Texas v. Timbers of Inwood Forest Associates, Ltd., 484 U.S. 365, 371, 98 L.Ed.2d 740, 108 S.Ct. 626, 629-630 (1988) ("It is common ground that the 'interest in property' referred to by § 362(d)(1) includes the right of a secured creditor to have the security applied in payment of the debt upon completion of the reorganization; and that that interest is not adequately protected if the security is depreciating during the term of the stay." [emphasis added]). Here, there is no evidence that the property is depreciating in value.

The court will issue a minute order.

2.     [08-22725](#)-B-11     BAYER PROTECTIVE                     MOTION FOR RELIEF FROM  
          JHK-1             SERVICES, INC.                     AUTOMATIC STAY  
  10-2-13 [[680](#)]
- FORD MOTOR CREDIT COMPANY,  
LLC VS.

**Disposition Without Oral Argument:** This motion continued from November 12, 2013, to allow the movant time to file supplemental evidence showing that the chapter 11 plan administrator was properly served with the motion. The movant's timely filed supplemental evidence on November 12, 2013 (Dkt. 688). This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. To the extent that it applies, the automatic stay is modified as against the estate and the debtors pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to obtain possession of its collateral, a 2007 Ford Focus (VIN 1FAFP34N17W225943) (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

The debtor confirmed a chapter 11 plan in this case on January 3, 2011. The chapter 11 plan (Dkt. 652) provides for the movant's secured claim in Article IV, § 4.01 B. ii. as Class 1.1. The class is treated as unimpaired. The monthly installments on each vehicle loan, including the loan secured by the Collateral, are to continue as operating expenses not contingent upon Net Cash Flow. Except where the terms have been renegotiated, the terms and conditions of the pre-petition documentation

remain in full force and effect.

Under Article IX of the plan, the debtor will not be discharged until completion of the plan: when all payments required by the plan have been made or the Plan Term (five years from the confirmation date of January 3, 2011, subject to an automatic one year extension if distributions to priority tax claimants have been less than \$500,000) expires. Under Article VIII, § 8.07, the assets of the estate remain in the post-confirmation estate for the duration of the plan.

Based on the foregoing, the automatic stay as to the Collateral remains in effect at the present time, post-confirmation. The movant alleges without dispute that it has not received any payment on account of the loan secured by the collateral since December 7, 2009, and the loan is in default. The foregoing facts constitute cause for relief from the automatic stay.

The court will issue a minute order.

3. [13-29705](#)-B-7 HUDSON/ELIZABETH MOE MOTION FOR RELIEF FROM  
MJ-1 AUTOMATIC STAY  
11-15-13 [\[34\]](#)  
PNC BANK, N.A. VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part and dismissed as moot in part. As to the debtors, the motion is dismissed as moot. The debtors received a discharge on November 14, 2013, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 148 Inez Street, Weed, California (APN 060-311-230) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtors have failed to make twelve (12) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtors have filed a statement of intention to surrender the Property.

The court will issue a minute order.

4. [13-33107](#)-B-7 BUTTE STEEL & MOTION FOR RELIEF FROM  
BLR-1 FABRICATION, INC. AUTOMATIC STAY  
11-20-13 [[26](#)]  
WELLS FARGO BANK, N.A. VS.

**Tentative Ruling:** This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

5. [13-33107](#)-B-7 BUTTE STEEL & MOTION FOR RELIEF FROM  
RJW-1 FABRICATION, INC. AUTOMATIC STAY  
11-26-13 [[32](#)]  
NORTHERN CALIFORNIA NATIONAL  
BANK VS.

**Tentative Ruling:** This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

6. [13-33412](#)-B-7 CHARLES/KATHLEEN PADILLA MOTION FOR RELIEF FROM  
DJD-1 AUTOMATIC STAY  
11-18-13 [[13](#)]  
SETERUS, INC. VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as to the debtors and the estate pursuant to 11 U.S.C. § 362(d)(1) in order to permit the movant to foreclose on the real property located at 20562 Sunset Lane, Redding, California (APN 056-240-07) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtors have failed to make ten (10) mortgage payments. This constitutes cause for relief from the automatic stay in this chapter 7 case.

The court will issue a minute order.

7. [13-32214](#)-B-7 JUAN ALFARO  
APN-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-12-13 [[13](#)]

TOYOTA MOTOR CREDIT  
CORPORATION VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d) (1) and (d) (2) in order to permit the movant to obtain possession of its collateral, a 2006 Nissan Pathfinder (VIN 5N1AR18W56C623903) (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim including any attorneys' fees awarded herein. The 14-day period specified in Fed. R. Bankr. P. 4001(a) (3) is ordered waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtor has failed to make four (4) payments. Also, movant alleges without dispute that there is no equity in the Collateral and the Collateral is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

The court will issue a minute order.

8. [11-30525](#)-B-7 LINDA BACA  
PD-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-14-13 [[107](#)]

HSBC BANK USA, N.A. VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part and dismissed as moot in part. As to the debtor, the motion is dismissed as moot. The debtor received a discharge on December 11, 2013, and the automatic stay as to the debtor ended on that date. 11 U.S.C. § 362(c) (2) (C). As to the estate, to the extent it applies the automatic stay is modified pursuant to 11 U.S.C. § 362(d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 7824 English Hills Road, Vacaville, California (APN 0105-010-110) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 14-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtor has failed to make thirty-

five (35) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtor has filed a statement of non-opposition to the motion. The chapter 7 trustee has filed a motion for authorization to abandon the Property.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

9. [13-31626](#)-B-7 MOHAMMAD CHAUDRY MOTION FOR RELIEF FROM  
RGJ-1 AUTOMATIC STAY  
11-18-13 [[19](#)]  
ALLIANT CREDIT UNION VS.

**Tentative Ruling:** The motion is dismissed as moot. The automatic stay terminated as to the movant's collateral consisting of a 2005 Mercedes-Benz C230 (VIN WDBRF40JX5F620847) (the "Collateral"), at 12:01 a.m. on October 5, 2013, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

The debtors did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2).

The court will issue a minute order.

10. [11-32429](#)-B-7 CEDAR VALLEY CONCRETE, MOTION FOR RELIEF FROM  
JCT-1 INC., A CALIFORNIA AUTOMATIC STAY  
11-1-13 [[238](#)]  
LMD SACTO 100, LLC VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. Pursuant to 11 U.S.C. § 362(d)(1), the automatic stay is modified to permit movant to prosecute its cross-complaint against the debtor in Gonzalez v. LMD SACTO 100, LLC, et al., El Dorado County Superior Court case number PC20120228, to judgment or settlement and to recover any judgment or settlement solely from available insurance proceeds. Except as so ordered, the motion is denied.

The court will issue a minute order.

11. [11-32429](#)-B-7 CEDAR VALLEY CONCRETE, MOTION FOR RELIEF FROM  
MEC-1 INC., A CALIFORNIA AUTOMATIC STAY  
11-18-13 [[245](#)]  
BEAZER HOMES HOLDINGS CORP.  
VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. Pursuant to 11 U.S.C. § 362(d)(1), the automatic stay is modified to permit movant to prosecute its cross-complaints against the debtor in Balko, et al. v. Beazer Homes Holding Corp, et al., Placer County Superior Court case number SCV0032754 and Dibben, et al. v. Beazer Homes Holding Corp, et al., Sacramento County Superior Court case number 34-2013-00140596, to judgment or settlement and to recover any judgment or settlement solely from available insurance proceeds. Except as so ordered, the motion is denied.

The court will issue a minute order.

12. [13-33830](#)-B-7 JAMES/JENNY DEATHERAGE MOTION FOR RELIEF FROM  
SW-1 AUTOMATIC STAY  
11-22-13 [[11](#)]  
WELLS FARGO BANK, N.A. VS.

**Tentative Ruling:** The motion is dismissed as moot. The automatic stay terminated as to the movant's collateral consisting of a 2009 Honda Pilot (VIN 5FNYP389X9B021703) (the "Collateral"), at 12:01 a.m. on November 28, 2013, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

The debtors did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2). A statement of intention that merely states that the debtors intend to retain the Collateral and "continue to make payments" is not a compliant statement of intention. 11 U.S.C. § 362(h)(1)(A). If retaining the collateral, the statement of intention must state that the debtors will either redeem the collateral or reaffirm the debt secured by the collateral. See Dumont v. Ford Motor Credit Co. (In re Dumont), 383 B.R. 481, 486 (B.A.P. 9<sup>th</sup> Cir. 2008).

The court will issue a minute order.

13. [13-33937](#)-B-7 CHRISTOPHER/SUSAN TALOFF MOTION FOR RELIEF FROM  
RDW-1 AUTOMATIC STAY AND/OR MOTION  
FOR ADEQUATE PROTECTION  
11-19-13 [[11](#)]
- SPRINGLEAF FINANCIAL  
• SERVICES, INC. VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as to the debtors and the estate pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 1730 Midway Drive, Woodland, California (APN 39-076-18) ("Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no fees or costs. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtors have failed to make five (5) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The debtors have filed a statement of intention to surrender the Property. The trustee has filed a report of no distribution and a statement of non-opposition to the motion.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

14. [13-26640](#)-B-7 DONNA/HARVEY BILLS CONTINUED MOTION FOR RELIEF  
CJO-1 FROM AUTOMATIC STAY  
8-23-13 [[48](#)]
- JPMORGAN CHASE BANK, N.A.  
VS.

**Tentative Ruling:** None.

15. [13-25643](#)-B-7 TODD/CHRISTINE DUPONT  
NLG-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-4-13 [[25](#)]

FEDERAL NATIONAL MORTGAGE  
ASSOCIATION VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part and dismissed as moot in part. As to the debtors, the motion is dismissed as moot. The debtors received a discharge on August 12, 2013, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 1532 Black Hawk Street, Roseville, CA 95747 (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtors have failed to make three (3) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

The court will issue a minute order.

16. [13-34744](#)-B-7 GRACE KELLER  
JCK-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-27-13 [[11](#)]

PERSHING PLAZA CENTER, LLC  
VS.  
CASE DISMISSED 12/2/13

**Tentative Ruling:** This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Subject to such opposition, the court issues the following abbreviated tentative ruling.

The motion is dismissed as moot. The bankruptcy case was dismissed by order entered December 2, 2013 (Dkt. 17). The movant already has the relief it seeks by the motion.

The court will issue a minute order.

17. [13-30850](#)-B-7 KRISTEN NIETO  
JHW-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-12-13 [[13](#)]

FIRST INVESTORS SERVICING  
CORP. VS.

**Tentative Ruling:** The motion is dismissed as moot. The automatic stay terminated as to the movant's collateral consisting of a 2012 Toyota Corolla (VIN 2T1BU4EEXCC866372) (the "Collateral"), at 12:01 a.m. on September 17, 2013, by operation of 11 U.S.C. § 362(h), and the Collateral has from that date no longer been property of the estate.

The debtor did not file a compliant statement of intention with respect to the Collateral within the time allowed by 11 U.S.C. § 521(a)(2). A statement of intention that merely states that the debtor intends to retain the Collateral and "continue to make monthly installments as agreed" is not a compliant statement of intention. 11 U.S.C. § 362(h)(1)(A).

The court will issue a minute order.

18. [13-31757](#)-B-7 BROCK MONTGOMERY  
PD-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-6-13 [[12](#)]

NATIONSTAR MORTGAGE, LLC VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. §§ 362 (d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 4123 Bell Avenue, Sarasota, FL 34231 (APN 0072-09-0066) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no attorneys' fees and costs. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtor has failed to make forty-nine (49) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a statement of non-opposition to the motion and a report of no distribution.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

19. [13-32467](#)-B-7 TASHA RENISON  
PD-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-13-13 [[13](#)]

WELLS FARGO BANK, N.A. VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. §§ 362 (d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 6405 Doncrest Lane, North Highlands, CA 95660 (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no attorneys' fees and costs. The 14-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtor has failed to make thirteen (13) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution. The debtor has filed a statement of intention to surrender the Property.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

20. [11-23977](#)-B-7 ROBERT/LORI LA BRASH  
RMD-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-12-13 [[78](#)]

DEUTSCHE BANK NATIONAL TRUST  
COMPANY VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part and dismissed as moot in part. As to the debtors, the motion is dismissed as moot. The debtors received a discharge on December 3, 2013, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c) (2) (C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d) (1) and (d) (2) in order to permit the movant to foreclose on the real property located at 3559 Rio Rosa Way, Sacramento, CA 95834 (APN 225-0833-042) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no attorneys' fees and costs. The 14-day period specified in Fed. R. Bankr. P. 4001(a) (3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtors have failed to make eleven (11) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a statement of non-opposition to the motion and a report of no distribution. The debtors have filed a statement of intention to surrender the Property.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

21. [13-30482](#)-B-7 CRAIG/CINDY COCKERELL MOTION FOR RELIEF FROM  
PD-1 AUTOMATIC STAY  
11-5-13 [[34](#)]  
U.S. BANK, N.A. VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part and dismissed as moot in part. As to the debtors, the motion is dismissed as moot. The debtors received a discharge on November 19, 2013, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 6920 Ant Hill Road, Somerset, CA 95684 (APN 093-000-01-100) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no attorneys' fees and costs. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtors have failed to make twenty-one (21) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a statement of non-opposition to the motion.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

22. [12-36989](#)-B-7 BLAINE/MARIGOLD BANAY  
PD-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-6-13 [[42](#)]

NATIONSTAR MORTGAGE, LLC VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part and dismissed as moot in part. As to the debtors, the motion is dismissed as moot. The debtors received a discharge on January 7, 2013, and the automatic stay as to the debtors ended on that date. 11 U.S.C. § 362(c)(2)(C). As to the estate, the automatic stay is modified pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 17665 Wheat Field Street, Lathrop, CA 95330 (APN 191390520000) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no attorneys' fees and costs. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtors have failed to make seventeen (17) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

23. [13-33293](#)-B-7 DEBRA TALLEY  
RMD-1

MOTION FOR RELIEF FROM  
AUTOMATIC STAY  
11-11-13 [[10](#)]

THE GOLDEN 1 CREDIT UNION  
VS.

**Disposition Without Oral Argument:** This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. §§ 362(d)(1) and (d)(2) in order to permit the movant to foreclose on the real property located at 6760 Bertran Court, Citrus Heights, CA 95621 (APN 229-0720-008) (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The court awards no attorneys' fees and costs. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is not waived. Except as so ordered, the motion is denied.

Movant alleges without dispute that the debtor has failed to make five

(5) mortgage payments. Movant further alleges without dispute that there is no equity in the Property and the Property is not necessary to an effective reorganization or rehabilitation in this chapter 7 case. The trustee has filed a report of no distribution.

Because the movant has not established that the value of its collateral exceeds the amount of its claim, the court awards no fees and costs. 11 U.S.C. § 506(b).

The court will issue a minute order.

24. [13-33196](#)-B-7 JULIE/SHANE BRAMBLETT MOTION FOR RELIEF FROM  
CJO-1 AUTOMATIC STAY  
11-22-13 [[12](#)]  
  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION VS.

**Tentative Ruling:** This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

25. [13-33360](#)-B-7 FAUSTINO AYALA MOTION FOR RELIEF FROM  
NMB-1 AUTOMATIC STAY  
11-25-13 [[12](#)]  
  
HSBC BANK USA, N.A. VS.

**Tentative Ruling:** This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

26. [13-31874](#)-B-7 SONYA BELL MOTION FOR RELIEF FROM  
DMB-1 AUTOMATIC STAY AND/OR MOTION  
FOR A FINDING BY THE COURT THAT  
RELIEF FROM STAY IS NOT NEEDED  
11-5-13 [[16](#)]  
  
DEBBIE DUFFIN VS.

**Tentative Ruling:** None.